

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION

Call to Order: By **CHAIRMAN ROGER SOMERVILLE**, on February 9, 2001
at 3:00 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Roger Somerville, Chairman (R)
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Joe Balyeat (R)
Rep. Debby Barrett (R)
Rep. Ronald Devlin (R)
Rep. Dave Gallik (D)
Rep. Steven Gallus (D)
Rep. George Golie (D)
Rep. Donald L. Hedges (R)
Rep. Jim Keane (D)
Rep. Gary Matthews (D)
Rep. William Price (R)
Rep. Allen Rome (R)
Rep. Frank Smith (D)
Rep. Donald Steinbeisser (R)
Rep. Karl Waitschies (R)

Members Excused: Rep. Carol C. Juneau, Vice Chairman (D)

Members Absent: None.

Staff Present: Donna Huffman, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 476, 02/09/01
Executive Action: HB 319, HB 314, HB 392,
HB 433, HB 430, HB 442.

HEARING ON HB 476

Sponsor: Rep. Steve Vick, HD 31.

Proponents: Steve Antonioli, self; Gary Balaz, Deputy County Attorney in Galatin County; Lisa Lovell, self.

Opponents: Mike McGrath, Attorney General for Montana; Colonel Bert Obert, Montana Highway Patrol; Jim Smith, Montana Sheriffs and Peace Officers Association; Bill Williams, Self; Barry "Spook" Stang, Montana Motor Carriers Association; Steve Turkiewicz, Executive Vice President of the Montana Automobile Dealers Association; Rep. Frank J. Smith, HD 98.

Informational Witnesses: none.

Opening Statement by Sponsor:

Rep. Vick said this bill eliminates the daytime speed limit and changes the speed limit from 75 m.p.h. full time to night time. This bill only affects interstate highways and two lane roads where current speed limit is set at 70 m.p.h. This bill does not affect any night time speed limits and does not affect any truck speed limits. Also, it does not change any process by which a community, county or city may want to enact a speed limit on a given section of road. Also, a person operating a vehicle improperly during the daytime on highways for which there is no maximum numerical speed limit, is subject to prosecution for reckless driving and careless driving. He handed out an excerpt from **Andrew Hanssen**, an Assistant Professor of Economics at Montana State University-Bozeman, in regards to speed influence on accidents and fatalities. **EXHIBIT(trh33a01)**.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 7.4}

Steve Antonioli said economists deal with statistics and time series data, or trend data, to look at traffic fatalities in Montana. He said he has limited data on the reduced speed limit effecting traffic fatalities. He said the data shows there has been no affect. He handed out data for Montana traffic fatalities from 1972-2000. **EXHIBIT(trh33a02)**.

Gary Balaz said he agrees with **Rep. Vick**. He said there are laws now which fully and adequately address the problem of people who choose to operate vehicles in a way that does not properly respect others on those highways. **EXHIBIT(trh33a03)**.

{Tape : 1; Side : B; Approx. Time Counter : 4.1}

Lisa Lovell said she disagreed about the editorial in the paper about the speed limit. She said she is in favor of repealing the daytime speed limit. She stated the numerical speed limit causes humans to drive to that limit and not to the road conditions.

EXHIBIT(trh33a04).

Opponents' Testimony:

Mike McGrath said the Attorney General's Office and the Department of Justice believes that a daytime speed limit is an important safety issue. He handed out a chart from Department of Justice that included fatalities by factors of alcohol, speed, seat belts, road conditions, out-of-state factors.

EXHIBIT(trh33a05).

{Tape : 1; Side : B; Approx. Time Counter : 18.9}

Colonel Bert Obert said in reality, some people need rules and parameters. He said the 1999 legislature did take all into account, and that the daytime speed limit was put into statute for a reason. He opposes HB 476.

Jim Smith said they supported the numeric speed limit in 1999. He said this bill has potential for immediate impact on public safety. He opposes HB 476.

{Tape : 2; Side : A; Approx. Time Counter : 0.3}

Bill Williams said he is here to oppose this bill. He handed out pictures of his great grandchildren.

EXHIBIT(trh33a06), EXHIBIT(trh33a07).

Barry "Spook" Stang said he is here to testify against HB 476 because the sponsor, **Rep. Vick**, had noted trucks are not included in this bill. He said the MMCA lobbied very hard in the 1999 session to keep trucks at a speed limit of 65 m.p.h., and they did that for safety reasons. **EXHIBIT(trh33a08)**.

Steve Turkiewicz, Executive Vice President of the Montana Automobile Dealers Association sent in testimony opposing HB 476. **EXHIBIT(trh33a09)**.

Rep. Frank Smith said he has known a lot of patrolmen, and some have been reprimanded for writing too many tickets.

Questions from Committee Members and Responses:

Rep. Gallus asked **Mr. Antonioli** if the statistics take into account any advances of vehicle safety or the promotion and use of seat belts. **Mr. Antonioli** said he looks at the cause and effect of numerical limits and non-numerical limits upon the trend and upon the fatality rate.

Rep. Gallik asked **Mr. Antonioli** if there was a similar type of study on non-fatal crashes and the results. **Mr. Antonioli** said there has been a study and it is detailed in the report.

EXHIBIT(2) .

Rep. Steinbeisser asked **Mr. Antonioli** how many states in the United States do not have a daytime speed limit. **Mr. Antonioli** said none at the present time.

Rep. Bookout-Reinicke asked **Mr. Antonioli** in his research, was there a difference between Eastern Montana and Western Montana on Interstate 90. **Mr. Antonioli** said he had not done analysis on that, however, in the long run, our four lane highways are much safer than our two lane highways.

{Tape : 2; Side : A; Approx. Time Counter : 4.9}

Rep. Gallus asked **Mr. McGrath** if he thought Montana is obligated to have some similar laws on roads for tourists who visit our state. **Mr. McGrath** said yes, he thinks it is important to be consistent and to have an objective standard, especially for out-of-state drivers.

Rep. Gallus asked **Mr. McGrath** if it is true that a professional driver, who drives at high speeds, could make it difficult for prosecutors to prosecute him/her based on their ability to drive a car high speeds. **Mr. McGrath** said yes, it could, but there are other factors also, such as, the tires of the vehicle, the road they are driving on, the vehicle they are driving.

Rep. Gallik asked **Colonel Obert** if it is common for officers, when there was no numeric speed limit, to pull someone over and then get into an argument. **Colonel Obert** said yes, absolutely, the officer is basing his judgement on what is reasonable and prudent from what he knows, while the motorist is basing their judgement on what is reasonable and prudent from what they know or feel, and the opinions conflict.

{Tape : 2; Side : A; Approx. Time Counter : 13.5}

Rep. Adams asked **Mr. Balaz** if he found out the cost was for the signing when they did go to numerical speed limits. **Mr. Balaz** said no, that was discussed in 1997 and again 1999 and he does not remember what the figures were.

Rep. Hedges asked **Mr. Galt** what percent of Montana's system, is four lane versus two lane highway. Mr. Galt said there are about 13,000 road miles under their jurisdiction and about 1,100 of those miles are interstates, which also includes secondary roads.

Rep. Hedges asked **Mr. Galt**, of the two lane roads, what is the design factor of those roads that are 10 years old. **Mr. Galt** said 70 m.p.h. on all highways.

Rep. Waitschies asked **Mr. McGrath** if he had any statistics between the Eastern Montana and Western Montana fatalities. **Mr. McGrath** said there are statistics on a county by county basis that are available in the Montana Highway Report.

Closing by Sponsor:

{Tape : 2; Side : A; Approx. Time Counter : 27.8}

Rep. Vick said he had a letter from Captain Allen Young, from the Montana Highway Patrol, in Butte, Mt. One of the reasons, he states in his letter, less than a year after the speed limit had been drawn up, there is a dramatic increase in the number of fatal collisions on the Interstate System during the day. He urged a Do Pass on HB 476.

{Tape : 2; Side : B; Approx. Time Counter : 1.5}

Chairman Somerville said the committee meeting on last Wednesday, 02/07/01, voted to support a committee bill on an issue that **Rep. Bookout-Reinicke** brought up. **Rep. Rome, Rep. Price, Rep. Keane and Rep. Matthews and Rep. Bookout-Reinicke, chair**, will be the sub-committee. This sub-committee will look at the issue of inspecting railroad tracks in Montana, especially those lines that are transporting hazardous materials.

EXECUTIVE ACTION ON HB 433

Motion: **REP. ADAMS** moved that **HB 433 DO PASS.**

Motion: **REP. DEVLIN** moved **AMENDMENTS FOR HB 433, #HB43301.alk.**

Discussion:

Leanne Kurtz explained amendments. **EXHIBIT**(trh33a10).

Motion/Vote: REP. DEVLIN moved that **AMENDMENTS #HB43301.ALK DO PASS. Motion carried 18-0.**

Motion: REP. STEINBEISSER moved that **HB 433 DO PASS AS AMENDED.**

Rep. Gallik said he thinks this is a good idea, but is afraid of how much it will cost.

Rep. Barrett said she agreed with Rep. Gallik, but it is best to be consistent in all the states.

Rep. Waitschies said he opposes this bill.

Rep. Hedges said he opposes this bill.

Motion/Vote: REP. ADAMS moved that **HB 433 BE TABLED. Motion carried 17-1 with Price voting no.**

EXECUTIVE ACTION ON HB 319

{Tape : 2; Side : B; Approx. Time Counter : 12}

Motion: REP. GOLIE moved that **HB 319 DO PASS.**

Motion: REP. BOOKOUT-REINICKE moved **AMENDMENTS FOR HB 319, #HB031901.ALK.**

Discussion:

Leanne Kurtz explained amendments for HB 319. **EXHIBIT**(trh33a11).

Rep. Balyeat said he thinks the amendments make the language clearer, he supports HB 319.

Motion/Vote: REP. BOOKOUT-REINICKE moved that **AMENDMENTS FOR HB 319, #HB031901.ALK DO PASS. Motion carried 16-2 with Smith and Steinbeisser voting no.**

Motion: REP. GOLIE moved **HB 319 AS AMENDED.**

Rep. Devlin and Rep. Hedges had some concerns with issues on the bill.

Motion/Vote: REP. GOLIE moved that HB 319 DO PASS AS AMENDED.
Motion failed: vote 9-9, with Devlin, Gallus, Hedges, Matthews, Rome, Smith, Steinbeisser, Waitschies and Somerville voting no.

EXECUTIVE ACTION ON HB 314

{Tape : 2; Side : B; Approx. Time Counter : 22.4}

Motion: REP. ADAMS moved that HB 314 DO PASS.

Discussion:

Rep. Gallik said this bill should be tabled because there are better bills coming, one of which will be carried by **Chairman Somerville**.

Motion/Vote: REP. GALLIK moved that HB 314 BE TABLED. Motion carried 18-0.

EXECUTIVE ACTION ON HB 392

Motion: REP. BOOKOUT-REINICKE moved that HB 392 DO PASS.

Discussion:

Rep. Barrett said she supports this bill.

Rep. Golie supports this bill.

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 392 DO PASS.
Motion carried 17-1 with Devlin voting no.

EXECUTIVE ACTION ON HB 430

Motion: REP. PRICE moved that HB 430 DO PASS.

Discussion:

Leanne Kurtz explained amendments for HB 430. #HB 043001.alk.
EXHIBIT(trh33a12).

{Tape : 3; Side : A; Approx. Time Counter : 0.3}

Rep. Price said, in amendment 2, #HB043001.alk, he wants on Page 2, "not in excess of."

Substitute Motion/Vote: REP. PRICE made a substitute motion that HB 430 AMENDMENT 2, #HB043001.ALK DO PASS. Substitute motion carried 18-0.

Motion/Vote: REP. BALLYEAT moved to SEGREGATE AMENDMENT 2 FROM 3, #HB043001.ALK. Motion carried 18-0.

Motion/Vote: REP. KEANE moved that HB 430 AMENDMENT 3, #HB43001.ALK DO PASS. Motion carried 18-0.

Motion/Vote: REP. BOOKOUT-REINICKE moved that HB 430 AMENDMENT 1, #HB43001.ALK DO PASS. Motion carried 18-0.

Motion: REP. KEANE moved that HB 430 DO PASS AS AMENDED.

{Tape : 3; Side : A; Approx. Time Counter : 11.1}

Rep. Barrett, Rep. Devlin and Rep. Ballyeat had concerns on issues with the bill.

Motion/Vote: REP. KEANE moved that HB 430 DO PASS AS AMENDED. Motion carried 12-6 with Adams, Ballyeat, Barrett, Devlin, Somerville, and Steinbeisser voting no.

EXECUTIVE ACTION ON HB 442

Motion: REP. DEVLIN moved that HB 442 DO PASS.

Motion: REP. GOLIE moved that HB 442 AMENDMENTS DO PASS.

Discussion:

Leanne Kurtz explained amendments for HB 442, #HB044201.alk.
EXHIBIT(trh33a13).

Chairman Somerville postponed executive action on HB 442, as Rep. Gallik will discuss his proposed amendment with the sponsor, Rep. Jayne.

ADJOURNMENT

Adjournment: 5:30 P.M.

REP. ROGER SOMERVILLE, Chairman

DONNA HUFFMAN, Secretary

RS/DH

EXHIBIT (trh33aad)